

## UNITED STATES DISTRICT COURT

for the

District of Montana

United States of America

v.

James Michael Gunderson

Case No: CR-99-123-BLG-SPW

USM No: 06444-046

Date of Original Judgment: 08/11/2000

Date of Previous Amended Judgment: \_\_\_\_\_

(Use Date of Last Amended Judgment if Any)

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_.  
(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

On November 7, 2023, Defendant filed a pro se motion for a sentence reduction under the retroactive application to the criminal history rules in Parts A and B, subpart 1 of Amendment 821 to the United States Sentencing Guidelines. (Doc. 134.) Although Defendant is ineligible under the current case number, CR-99-123-BLG-SPW, Defendant is presumptively eligible under CR-21-44-BLG-SPW. See Attachment A at 3, Standing Order No. BMM-27 (D. Mont. Oct. 31, 2023), available at <https://www.mtd.uscourts.gov/standing-orders>. Accordingly,

IT IS ORDERED that Defendant's motion (Doc. 134) is DENIED.

IT IS FURTHER ORDERED that the Clerk of Court shall file a copy of the motion in CR-21-44-BLG-SPW.

Except as otherwise provided, all provisions of the judgment dated \_\_\_\_\_ shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 11-28-2023


  
Judge's signature

Effective Date: \_\_\_\_\_

(if different from order date)

Printed name and title

**This page contains information that should not be filed in court unless under seal.**  
**(Not for Public Disclosure)**

James Michael Gunderson

DEFENDANT: \_\_\_\_\_

CASE NUMBER: CR-99-123-BLG-SPW

DISTRICT: District of Montana

**I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)**

Previous Total Offense Level: \_\_\_\_\_ Amended Total Offense Level: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_ Criminal History Category: \_\_\_\_\_

Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

**II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE**

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.

**III. FACTORS CONSIDERED UNDER USSG § 1B1.10 AND 18 U.S.C. § 3553(a) (*See Chavez-Meza v. United States, 138 S.Ct. 1959 (2018)*)**